

### **REMARKS**

Claims 1, 6 and 8-16 are pending in the above-identified application. Claim 1 has been amended so as to reduce the scope of the definitions of  $R^1$  and  $R^a$ . Claim 9 has been amended so as to delete compounds which were outside the scope of claim 1.

It is respectfully requested that the above changes to the claims be entered of record and considered by the Examiner, since these changes further limited the claims of the present application and cancelled claims so as to reduce the issues, without introducing any new issues. Consequently, it is submitted that these claim changes are proper under 37 CFR 1.116(b).

#### **Removal of Claim Objections**

Claims 3 and 9 have been objected to as either improperly depending from claim 1 or as containing non-elected subject matter. Claim 3 has been cancelled. Claim 9 has been amended such that the compounds recited therein all fall within the scope of present claim 1. Thus, these claim objections should be withdrawn.

#### **Double Patenting Issues**

Claims 1-9 and 14 have been rejected on the ground of non-statutory anticipatory-type double patenting as being unpatentable over claim 1 of Blasco '172 (US 7,307,172) and claim 1 of Blasco '383 (US 7,501,383). These rejections are respectfully traversed.

It is submitted that presently amended claims 1, 6, 8, 9 and 14 do not overlap in scope with claim 1 of Blasco '172 or claim 1 of Blasco '383. Regarding Blasco '172, the definition of "X" in formula I does not overlap with the definition of the corresponding substituent " $R^2$ " of the present claims, such that there is no overlap between the claims of Blasco '172 and the claims of the present application. Regarding Blasco '383, it is submitted that the definitions of the variables of the presently amended claims do not overlap with the corresponding variable definitions of Blasco '383. Consequently, it is requested that these rejections be withdrawn.

Unity of Invention Issues

Applicant respectfully maintains a traversal of the Unity of Invention Requirement which was made "final" in the Office Action of November 13, 2009. The reasons supporting this traversal were submitted in the Response filed July 22, 2009, which reasons are deemed repeated herein.

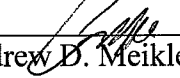
It is submitted for the reasons stated above that all of the presently pending claims have been placed into allowable form such that the present application should be placed into condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By   
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